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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,445	09/29/2000	Ronald R. Martinsen	13768.783.284	4420

47973 7590 03/07/2007  
WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER
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TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/677,445

**Applicant(s)**

MARTINSEN ET AL.

**Examiner**

Mylinh Tran

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/15/06 has been entered.

Applicant's Amendment filed 12/15/06 has been carefully considered. Claims 1, 9-12, 16-23 and 25-26 have been amended. Claims 30-31 have been canceled. However, the limitations of the amended have not been found to be patentable over newly discovered prior art, therefore, claims 1-6, 9-23 and 25-28 are rejected under the new ground of rejection as set forth below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-6, 9-23 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Toub et al. [US. 6,674,450].

As per independent claims 1 and 25, Toub et al. teach using dynamic hypertext markup language (DHTML) with a behavior component that enhances an element's initial behavior, a method of synchronously binding the behavior

component to the element in order to prevent the behavior from being detached there from and to promote predictability (column 2, lines 33-62); receiving at a browser application a page for processing and displaying one or more elements (column 2, lines 33-46); processing from within the page an import instruction that links implementation of an element behavior with the one or more elements of the page (column 4, lines 30-62), wherein the element behavior is a DHTML component that encapsulates specific functionality or behavior on the page (column 5, lines 1-35); and modifying an initial behavior of the one or more elements within the page by instantiating an instance of the element behavior component in accordance with the import instruction when a part of the page corresponding thereto is parsed by the browser, which synchronously binds the element behavior component to the one or more elements (column 4, line 63 through column 5, line 35).

As per claim 2, which is dependent on claim 1, Toub et al. teach the element being associated with a namespace in the page (column 4, lines 30-62).

As per claim 3, which is dependent on claim 2, Toub et al. teach the element behavior component comprising a name for creating a custom element that may be linked to the behavior component, and a syntax for the element comprising a reference to the name (column 4, lines 30-62).

As per claim 4, which is dependent on claim 3, it would have been inherent in Toub's HTML/Web system that the syntax for the element further comprising a reference to the namespace.

As per claim 5, which is dependent on claim 1, Toub et al. teach the element behavior component comprising a name or creating a custom element that may be linked to the behavior component, and a syntax for the element comprises a reference to the name (column 5, lines 35-65).

As per claim 6, which is dependent on claim 1, since the element behavior component, which is injected into the HTML code, is written in Java script, it would have been inherent in Toub's system that the behavior component is instantiated in accordance with a thread, and the import instruction causing at least one other thread to cease while instantiating the behavior component (column 5, lines 1-35).

As per claim 9, which is dependent on claim 1, Toub et al. teach the element behavior component comprising content, and instantiating the behavior component comprising inserting the content into the page (column 6, lines 35-61).

As per claim 10, which is dependent on claim 9, Toub et al. teach processing the page comprising interpreting the page including creating a document structure, wherein instantiating the instance of the element behavior component comprising creating a document fragment including content, and wherein

inserting the content into the page comprises inserting the document fragment into the document structure (column 7, lines 11-38).

As per claim 11, which is dependent on claim 1, it is rejected under the same rationale as claim 10.

As per claim 12, which is dependent on claim 1, Toub et al. teach processing the page comprising interpreting the page including creating a document structure, and instantiating the instance of the element behavior component comprising, creating a document fragment; and maintaining the document fragment separate from the document structure (column 7, lines 11-38).

As per claim 13, which is dependent on claim 12, it would have been inherent in Toub's system that the element comprises a pointer to the document fragment.

As per claims 14 and 15, which are dependent on claims 13 and 14 respectively, Toub et al. teach the document fragment comprising content, and interpreting the page comprising inserting the content into the page, inserting the content into the page comprising inserting the content into a position corresponding to a location of the element in the page (column 5, lines 1-35).

As per claim 16, which is dependent on claim 1, Toub et al. teach the element behavior component comprising script (column 6, lines 10-35).

As per claim 17, which is dependent on claim 16, Toub et al. teach the element behavior component comprising an HTC file (column 6, lines 10-53).

As per independent claim 18, it is rejected under the same rationale as claims 1 and 12.

Art Unit: 2179

As per claim 19, which is dependent on claim 18, it is rejected under the same rationale as claim 13.

As per claim 20, which is dependent on claim 19, Toub et al. teach processing the page comprising applying the behavior or functionality of the element behavior component to the element (column 5, lines 1-35).

As per claim 21, which is dependent on claim 19, it is rejected under the same rationale as claim 14.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as claim 15.

As per claim 23, which is dependent on claim 18, it is rejected under the same rationale as claim 14.

As per claim 26, which is dependent on claim 25, Toub et al. teach the element behavior component comprising an instruction component configured such that during the parsing of the page, static content within the element being not parsed (column 6, line 62 through column 7, line 11).

As per claims 27 and 28, which are dependent on claims 26 and 27 respectively, Toub et al. teach an executable file for accessing the content within the element, executable file comprising scripts (column 2, lines 33-63).

### **Response to Arguments**

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground of rejection.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER